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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/659,665

09/10/2003

Lawrence Shuniak

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06/28/2005

PENDORF & CUTLIFF
5111 MEMORIAL HIGHWAY
TAMPA, FL 33634-7356

EXAMINER

NEGRON, ISMAEL

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/659,665

Applicant(s)

SHUNIAK, LAWRENCE

Examiner

Ismael Negron

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Title

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: **illumination Device having Detachable Lighting Units.**

Abstract

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology

often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it uses phrases which can be implied. Correction is required. See MPEP § 608.01(b).

Specification

4. The disclosure is objected to because of the following informalities: paragraph 39, line 1 should read "When the ~~light source 50~~ **power source 40** is a battery, they may".

Appropriate correction is required.

Claim Objections

5. Claim 12 is objected to because of the following informalities: it recites the limitation "*the method according to claim 1*" in line 1. There is insufficient antecedent basis for this limitation in the claim.

The cited lack of antecedent instances do not amount to indefiniteness under 35 U.S.C. 112, second paragraph, since it is readily apparent that the claims are referring back to the previously recited method for illuminating a dark area (presented in Claim 8). However, appropriate correction is required to place the claims in proper form for allowance.

6. The Examiner respectfully suggests amending the claims to read:

- The method according to claim 4 8, wherein the light source is chosen from LED, incandescent bulb, fluorescent bulb, or combinations thereof.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, 4, 5, 7-9, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by THIEL (U.S. Pat. 1,875,956).

8. THIEL discloses an illumination device having:

- **at least two segment bodies (as recited in Claim 1), Figure 1,**
reference characters B and D;

- **the segment body having a housing (as recited in Claim 1), Figure 1, reference characters B and D;**
- **the segment body having at least one light source (as recited in Claim 1), Figure 3, reference numbers 16 and 32;**
- **the light source being located inside the housing (as recited in Claim 1), as seen in Figure 3;**
- **the segmented body having a power source (as recited in Claim 1), Figure 3, reference number 11;**
- **the power source being for powering the light source (as recited in Claim 1), page 1, lines 71-74;**
- **the segment body includes at least one attachment point (as recited in Claim 1), Figure 1, reference number 17;**
- **the attachment point being for connecting the segmented body to an adjacent segmented body (as recited in Claim 1), page 1, lines 85-88;**
- **the segmented body having at least one power switch (as recited in Claim 2), Figure 3, reference number 14;**
- **the switch turning the light source ON and OFF (as recited in Claim 2), page 1, lines 77-84;**
- **the power source being chosen from batteries, wood, oil, gas, propane, AC electric power, or combination thereof (as recited in Claim 4), page 1, line 72;**

- the light source is chosen from LED, incandescent bulb, fluorescent bulb, or combinations thereof (as recited in Claim 5), page 1, line 80;
- the segmented body including a transparent or translucent globe (as recited in Claim 7), Figure 3, reference number 13; and
- the globe housing the light source (as recited in Claim 7), as seen in Figure 3.

9. Method claims 8, 9, 11 and 12 were considered as inherently disclosed by the structural limitations of the patented device of THIEL (as detailed above).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3, 6 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over THIEL (U.S. Pat. 1,875,956).

11. THIEL discloses an illumination device having:

- at least two segment bodies (as recited in Claim 1), Figure 1, reference characters B and D;

- **the segment body having a housing (as recited in Claim 1),**
Figure 1, reference characters B and D;
- **the segment body having at least one light source (as recited**
in Claim 1), Figure 3, reference numbers 16 and 32;
- **the light source being located inside the housing (as recited in**
Claim 1), as seen in Figure 3;
- **the segmented body having a power source (as recited in**
Claim 1), Figure 3, reference number 11;
- **the power source being for powering the light source (as**
recited in Claim 1), page 1, lines 71-74;
- **the segment body includes at least one attachment point (as**
recited in Claim 1), Figure 1, reference number 17; and
- **the attachment point being for connecting the segmented**
body to an adjacent segmented body (as recited in Claim 1),
page 1, lines 85-88.

12. THIEL discloses all the limitations of the claims, except:

- at least one hook (as recited in Claim 3);
- the hook being for hanging each segmented body (as recited in
Claim 3);
- main power switch means (as recited in Claim 6); and
- the illumination device being turned ON or OFF by the main power
switch means (as recited in Claim 6).

13. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include at least one hook in at least one of the segmented bodies of THIEL (as recited in Claim 3), since the Examiner takes Official Notice that the use of such hooks is old and well known in the art. One would have being motivated to be able to secure the body to a supporting structure by hanging it from the hook.

14. Regarding the illumination device having a main power switch means (as recited in Claim 6), it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a master switch in the illumination device of THIEL, to be able to turn OFF all the light sources of the device of THIEL actuating only one switch, as opposed to the multiple single switches of THIEL.

15. Method Claim 10 was considered as inherently disclosed by the structural limitations of the patented device of THIEL (as detailed above).

Relevant Prior Art

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Finesilver (U.S. Pat. 1,521,610), **Pelletier** (U.S. Pat. 4,302,800), **Bertozzi et al.** (U.S. Pat. 4,707,766), **Farrall et al.** (U.S. Pat. 4,918,576), **Hopper** (U.S. Pat. 5,010,454), **Sims** (U.S. Pat. 5,567,039), **Engle** (U.S. Pat. 5,702,176), **Stephens** (U.S.

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Pat. 5,890,793) and - (U.S. Pat. 6,299,327) disclose illumination systems having a plurality of interconnectable lamp housing for individual or grouped operation.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (703) 872-9306.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications maybe obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.


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Inr

June 24, 2005



**THOMAS M. SEMBER
PRIMARY EXAMINER**